

OPEN MEETINGS ACT MANUAL



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PREFACE

When the bill that later evolved into Maryland's 1977 "Sunshine Law" was endorsed by the House and Senate committees, they wrote of the need to find the "proper balance between ... two imperatives": "securing the public's right to know public business," and yet preserving the "confidentiality [that] is indispensable to the efficient, effective and fair conduct of government." The 1977 Open Meetings Act tried to find that necessary balance. It represented a major advance over prior law, which essentially left the matter up to the agencies and therefore encouraged closed-door government. Then, in 1991, the Legislature returned to the issue and shifted the balance more clearly in favor of the public's right to know, including an advisory process, through the Open Meetings Compliance Board, as an alternative to litigation. As recently as 2004, the Legislature has refined the Compliance Board process.

This manual, now in its fifth edition, is meant to help members of public bodies, their lawyers, and members of the press and public understand the Act and especially its practical application. It may be freely copied. This new edition reflects the substantial body of guidance provided by the opinions of the Compliance Board, which are available on the Attorney General's website (www.oag.state.md.us; click on "Open Government," then on "About the Maryland Open Meetings Act") and in printed form (ordering information on the website). This manual will be maintained and updated on the website.

I am grateful to the members of my staff who serve as co-counsel to the Compliance Board, Assistant Attorneys General Jack Schwartz and William R. Varga. I also want to acknowledge the research assistance of Melissa Archie-Burton, who joined us in a summer externship while a student at the University of Maryland School of Law. Finally, I thank the members of the Open Meetings Compliance Board – Chairman Walter Sondheim, Courtney McKeldin, and Tyler Webb – for their support for this project. They have played a vital role in making the promise of the law a reality.

J. Joseph Curran, Jr.
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